HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No. 784 of 2007

Between:

S. Janga Reddy

… Appellant

And

The Hyderabad Urban Development Authority, Hyderabad, rep. by its Vice-Chairman and Managing Director & others.

… Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri P.Srinivas Reddy

September 24, 2007

Per G.S. SINGHVI, C.J.

Having failed to convince the learned Single Judge to entertain his prayer for issue of a mandamus to respondent Nos.1 to 4 to annul the layout sanctioned in respect of land comprised in Survey No.405/2, 4 of Nagaram Village, Ranga Reddy District, the appellant has preferred this appeal.

In the writ petition filed by him, the appellant alleged that the layout sanctioned at the behest of the private respondents is contrary to judgment and decree dated 29-6-2000 passed by II Additional Senior Civil Judge, Ranga Reddy District in O.S.No.44 of 1991 and the injunction order passed by this Court in A.S.M.P.No.313 of 2006 in A.S.No.82 of 2006 and that despite repeated representations, the respondents have not taken action for cancellation of the layout. He further averred that respondent Nos.5 to 18 sold land measuring 0.34 guntas comprised in Survey No.404 and Ac.3.26 guntas comprised in

Survey No.405 situated at Nagaram Village in respect of which layout was sanctioned without obtaining approval of the Gram Panchayat or Hyderabad Urban Development Authority and even though the concerned authorities were apprised of the fraudulent nature of the transactions of sale, they have not taken any action.

The learned Single Judge dismissed the writ petition by observing that the petitioner's affidavit is silent about the action, if any initiated by Gram Panchayat, Dammaiguda against the illegal construction made in the layout and that he has rushed to the Court in hot haste.

We have heard Sri P. Srinivas Reddy, learned counsel for the appellant and scrutinised the record. In our opinion, the appeal is liable to be dismissed because in the guise of espousing public cause, the appellant has tried to settle private dispute with his family members. Though the affidavit filed by the appellant gives an impression that he has nothing to do with the land in respect of which layout is said to have been sanctioned and that he is seeking the Court's intervention as a public representative (being Upa Sarpanch of the Gram Panchayat), a closer scrutiny of the cause title and the documents filed by him shows that he is directly related to private respondents No.7 to 15 and 17 and appears to have a stake in the land, which was subject matter of the writ petition. The letter 'S' written against the petitioner's name actually represents the surname 'Samala' which has been used while describing respondent Nos.7 to 15 and 17. This camouflage in the description of the petitioner is intended to mislead the Court in believing that he is genuinely interested in protecting the public interest. However, as we have already observed, the writ petition was filed by the petitioner for settling private dispute with his family members.

For the reason stated above, the appeal is dismissed. However, it is made clear that the appellant shall be free to avail other appropriate legal remedies, including by way of filing civil suit.

As a sequel to dismissal of the appeal, WAMP.No.1567 of 2007 filed by the appellant for interim relief is also dismissed.

G.S. SINGHVI, C.J.

24th September , 2007

C.V. NAGARJUNA REDDY, J.

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